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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,755

09/26/2003

Echere Iroaga

1847-US

9347

7590

02/07/2006

Legal Department
Teradyne, Inc.
321 Harrison Avenue
Boston, MA 02118

EXAMINER

WELLS, KENNETH B

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary	Application No.	Applicant(s)	
	10/671,755	IROAGA, ECHERE	
	Examiner	Art Unit	
	Kenneth B. Wells	2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-11,13,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 4, 20, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed on 12/22/05 has been received and entered in the case.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 5-7, 9-11, 13 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kono.

See paragraph four of the 9/20/05 office action for the details of this rejection. As to the new limitation that the gain stage is directly coupled to the supply voltage source, this does not define over the reference because, as is well-known in the art, a supply voltage source is constituted by high and low potentials (see, e.g., column 2, line 43 of USP 6,914,457 and also column 1, lines 30-32 of USP 6,201,435) and in Kono the two high and low potentials are Vcc and ground. Because the gain stage in Kono is directly connected to ground, this limitation is still clearly met by the reference.

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4. Claims 1, 3, 5-7, 9-11, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Jaussi et al or Narendra et al.

See paragraph five of the 9/20/05 office action for the details of this rejection. As to the new limitation that the gain stage is directly coupled to the supply voltage source, this does not define over the references because, as is well-known in the art, a supply voltage source is constituted by high and low potentials (see, e.g., column 2, line 43 of USP 6,914,457 and also column 1, lines 30-32 of USP 6,201,435) and in the references the two high and low potentials are Vcc and ground. Because the gain stage in both Jaussi et al and Narendra et al is directly connected to ground, this limitation is still clearly met.

5. Claims 4, 20, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. Applicant's arguments filed on 12/22/05 have been fully considered but they are not persuasive.

The argument that in Kono the FETs are "not directly connected to the supply voltage" is not persuasive because (1) the claims do not recite this, and (2) ground is clearly a supply voltage.

The argument that Kono's FETs "form a current mirror, not a gain stage" is also not persuasive because the structure is the same as in applicant's invention (i.e., both are a current mirror arrangement).

The further argument that FETs MN13 "cannot be both part of the gain stage and part of the impedance divider" is not persuasive because the rejection does not rely on this transistor to be part of both (applicant should carefully review the rejection set forth in the previous office action).

The additional arguments regarding Jaussi et al and Narendra et al are similarly not persuasive for essentially the same reasons noted above with regard to the arguments against Kono.

Finally, the arguments regarding In re Donaldson are similarly not persuasive because, as applicant is well aware, it is not necessary that the "structure indicated in

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the specification" be disclosed by the applied references, i.e., it is the structure or the equivalents thereof that must be met, and in the applied prior art, the disclosed structure is clearly equivalent.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Wells whose telephone number is (571)272-1757. The examiner can normally be reached on Monday through Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan, can be reached at (571)272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kenneth B. Wells
Primary Examiner
Art Unit 2816

February 3, 2006